

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, JANUARY 13, 2014

NOTE: Individuals requesting interpreter services for the deaf or hard of hearing must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 1/9/2014

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1. A. **WORK SESSION – 6:45 PM**
All items listed on Town Council agenda are subject to discussion.

- B. **REGULAR SESSION – 7:30 PM**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

- A. **Work Session – December 9, 2013**

- B. **Regular Session – December 9, 2013**

5. **CONSENT AGENDA**

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- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2012 through 2014: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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6. LICENSES

- A.** A resolution granting a Victualling License to BYRNE ENTERPRISES, INC. d/b/a DB's PIZZA, 546 Kingstown Road, Wakefield, RI 02879. Application by William H. Byrne, President, 90 Crosswynds Drive, Saunderstown, RI 02874; New.
- B.** A resolution granting a Victualling License to MOE'S WAKEFIELD, LLC d/b/a MOE'S SOUTHWEST GRILL, 600 Kingstown Road, Wakefield, RI 02879. Application by Matthew Rusconi, President, 45 South Main Street, Suite 306, West Hartford, CT 06107; New.
- (CA) C.** A resolution granting Victualling Licenses to the following; Renewals:

M.A.S. ENTERPRISES LLC d/b/a EL FUEGO MEXICAN GRILL, 344 Main Street, Wakefield, RI 02879. Application by Michael Stewart, 61 Highland Avenue, Wakefield, RI 02879.

QUICK RICK'S, 58 High Street, Wakefield, RI 02879. Application by Richard McCulloch, Quick Rick's Limited Partnership, 35 Nooseneck Hill Road, Wyoming, RI 02898.
- (CA) D.** A resolution granting Holiday Sales Licenses to the following; Renewals:

FOOD FOR THOUGHT, 577 Kingstown Road, Wakefield, RI 02879. Application by Kristina Wilk, 85 Birchwood Drive, North Kingstown, RI 02852; Renewal.

MATUNUCK SURF SHOP, 706 Matunuck Beach Road, Wakefield, RI 02879. Application by Robert E. Fox, 76 Sweet Fern Lane, Wakefield, RI 02879.
- (CA) E.** A resolution granting a Miscellaneous Permit to conduct the 27th Annual Narrow River Road Race on Saturday, May 10, 2014 at 10 a.m. to the NARROW RIVER PRESERVATION ASSOCIATION, P.O. Box 8, Saunderstown, RI 02874 subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager, and approval by the Town's Traffic and Transportation Review Committee and the RI Department of Transportation. Application by David Smith, NRPA Program Coordinator, 24 Castle Road, Narragansett, RI 02882; Renewal.

7. PUBLIC HEARINGS

- A.** A Public Hearing relative to an application for transfer of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

CLASS B LIMITED LIQUOR LICENSE

Transfer of a Class B Limited Liquor License from LOOMIS HOLDING CORP. d/b/a DB'S PIZZA, 546 Kingstown Road, Wakefield, RI 02879 by Chace Loomis, President to BYRNE ENTERPRISES, INC. d/b/a DB'S PIZZA, 546 Kingstown Road, Wakefield, RI 02879 by William H. Byrne, President for the first floor dining area (tables only) as described in a Special Exception granted by the Zoning Board of Review on January 20, 1988; and as further defined in a site plan on file in the Town Clerk's office.

Said transfer is contingent upon the issuance of a Certificate of Good Standing from the Rhode Island Division of Taxation, compliance with all Town Ordinances and regulations, the payment of any municipal taxes and user fees in arrears to the Town, the correction of any fire code violations, and the satisfaction of all claims.

- B.** A Public Hearing relative to a request for additional operational hours between 2:00 AM and 6:00 AM by International Zone Inc., 100 Fortin Road, Kingston, RI 02881 subject to approval by the Fire Chief and Communications Superintendent. Application by Ziad Alchihed, President, 51 Rolens Drive, Kingston, RI 02881.
- C.** A Public Hearing relative to a request for additional operational hours between 2:00 AM and 6:00 AM by Rosario's Restaurant Inc. d/b/a Kingston Pizza, 63 Briar Lane, Kingston, RI 02881 subject to approval by the Fire Chief and Communications Superintendent. Application by Samuel R. Sciabarrasi, President, 40 Carriage Lane, Kingston, RI 02881.

8. COMMUNICATIONS

- (CA) A.** A communication dated December 1, 2013 from Mr. and Mrs. James Eastwood III concerning the condition of neighboring property owned by Erik Slader at Indian Lake Shores is received, placed on file and referred to the Building Official. (12/12/2013 Interim, Item B.)

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- (CA) B. A communication dated December 18, 2013 from Elizabeth Berman, Director of Mission Development submitting the Southern Rhode Island Chamber of Commerce's request for annual funding is received, placed on file and referred to the FY 2014-2015 budget development process. (12/19/2013 Interim, Item F.)
- (CA) C. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... "Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official."

9. COMMENTS FROM INTERESTED CITIZENS

10. TOWN MANAGER'S REPORT

11. TOWN SOLICITOR'S REPORT

12. APPOINTMENTS

- A. A resolution appointing _____ to the _____ Board/Committee/Commission for a term to expire in _____. (See *Attachment A for Boards and Commissions Appointments Report*)
- B. A resolution appointing _____ as the Tree Warden for the Town of South Kingstown for the year 2014.

13. NEW BUSINESS

- A. A resolution, continued from December 9, 2013, affirming a proclamation presented on November 9, 2013 to Joe “Tiger” Patrick II for his efforts to honor Afghanistan and Iraq Fallen Heroes, as follows:

JOE “TIGER” PATRICK II

WHEREAS, JOE “TIGER” PATRICK II, a Rhode Island Army veteran who served during Operation Desert Storm volunteered at Ground Zero for three (3) weeks after the 9/11 attacks; and

WHEREAS, during his time at Ground Zero he developed an affinity for firefighters and in 2011 completed a memorial walk to honor the families and loved ones of those lost, as well as the first responders in the 9/11 attacks; and

WHEREAS, he recently completed a walk across the United States to increase awareness of the 6,722 U.S. service member casualties resulting from the war in Afghanistan and Iraq carrying an American flag and an 8-by-25-foot banner that bears the names and photographs of the fallen, and

WHEREAS, JOE has been a member of the South Kingstown Elks Lodge #1899 since 1996 and is a lifetime member of the Veterans’ of Foreign Wars (VFW) Post #916, benevolent organizations formed to spread goodwill reflective of Joe’s volunteer work at Ground Zero and memorial walks, in addition to his dedication to the Buddy Poppy sale, and

WHEREAS, the Town Council recognizes the selflessness, dedication and strength it takes to undertake such an endeavor as a cross-country walk and applaud **JOE “TIGER” PATRICK’S** efforts to honor Afghanistan and Iraq Fallen Heroes.

NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN proclaim November 9, 2013 as **JOE “TIGER” PATRICK II** day in the Town of South Kingstown.

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- (CA) B.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing to consider the abandonment of a portion of Plains Road consisting of approximately 2,300 feet of roadway length south of Flagg Road. The portion of Plains Road being considered for abandonment is bounded and described as follows: Plains Road from its intersection with Thirty Acre Pond Road extending easterly, then northerly to the intersection with Flagg Road. The purpose of this hearing is to determine whether said portion of Plains Road has ceased to be useful to the public.
- C.** A resolution authorizing an award of bid to Morande Ford, Inc., 250 Webster Square Road, Berlin, CT 06037 for a 2014 Ford F350 four-wheel drive pickup with snow plow in an amount not to exceed \$26,295, including trade-in; and as further described in a memorandum from the Public Services Director to the Town Manager dated December 30, 2013 and entitled “Bid Recommendation – Pickup Truck with Snow Plow, Bid Reference #SK0015HD.”
- D.** A resolution authorizing an award of bid to H.P. Fairfield d/b/a W.H. Rose for a two (2) ton trailer mounted asphalt hotbox in an amount not to exceed \$17,470; and as further described in a memorandum from the Public Services Director to the Town Manager dated December 31, 2013 and entitled “Bid Recommendation – Asphalt Hot Box, Bid Reference #SK0013HD.”
- (CA) E.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

Boards and Commissions Appointments Report

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

Affordable Housing Collaborative Committee (7 members/3 year term)

Two vacancies: terms expire August 2016 (John Taylor Ellis and Jean Johnson did not wish to be reappointed)

Board of Trustees of the South Kingstown Library (7 members/3 year term)

No vacancies

Applicant: Betty J. Cotter (applied 3/13/2013; interviewed 4/22/2013)

Conservation Commission (7 members/3 year term)

One vacancy: term expires September 2016 (Peter A. Duhamel resigned October 2013)

Applicants: Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Christopher J. O'Connor (applied 11/14/2013)

CRMC Experimental Coastal Erosion Control Technical Review Panel

Vacancy: resident ex-officio member

Applicant: W. Michael McKenna (applied 11/25/2013)

Economic Development Committee (11 members/3 year term)

Four vacancies: 2 terms expire March 2014, 2 terms expire March 2016 (Teresa Tanzi resigned December 2010; Deedra Durocher and Robert Kermes resigned December 2011; Dennis Moffitt was not reappointed)

Applicants: Richard J. Jurczak (applied 11/6/2013); Brian P. Smith (applied 11/15/2013); Frances Alexakos (applied 11/20/2013)

Historic District Commission (7 members/3 year term)

Three vacancies: terms expire December 2014, December 2015, and December 2016 (William Sheffield deceased June 2013; Eric Creamer resigned January 2012; Lois Hamblet did not wish to be reappointed)

Applicant: Karen M. daSilva (applied 8/6/2013)

Partnership for Prevention (7 members/3 year term)

One member vacancy: term expires June 2015; one Ex-Officio Law Enforcement vacancy (Captain Allen resigned); two Ex-Officio student vacancies

Attachment A

Planning Board (7 members/3 year term)

One vacancy: term expires May 2014 (Fred Morrison resigned September 2013)

Applicants: Frank H. Heppner (applied 5/10/2013); Christopher J. O'Connor (applied 11/14/2013)

Route 138 Reconstruction Project Area Committee (11 members/2 year term)

Two vacancies: terms expire May 2015 (Nevan Hanumara and Joseph Paolino did not wish to be reappointed)

Trustees of the South Kingstown School Funds (5 members/5 year term)

Vacancy: one term expires June 2018 (Claire Wilcox moved out of state)

Waterfront Advisory Commission (7 members/3 year term)

Vacancy: one term expires June 2016 (Anne E. Heffron did not wish to be reappointed)

Applicants: Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Timothy P. O'Neill (applied 8/2/2013); Richard J. Jurczak (applied 11/6/2013)

Zoning Board of Review (5 members, 2 alternate members/3 year term)

One vacancy: term expires March 2014 (Ernest George resigned December 2013)

Applicant: Christopher J. O'Connor (applied 11/14/2013)